
Appeal Decision

Site visit made on 14 August 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd August 2017

Appeal Ref: APP/G2625/W/17/3173446

Land adjacent 144 Thorpe Road, Norwich, Norfolk NR1 1RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Webster against the decision of Norwich City Council.
 - The application Ref 16/01428/F, dated as valid by the Council on 21 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is erection of garage and storage shed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- Whether this development would be compatible with the surrounding land uses in this area.
- The effect of the development on protected trees.
- Whether the development would preserve or enhance the character or appearance of the Thorpe Ridge Conservation Area and the setting of the nearby locally listed buildings.
- The effect on the living conditions of the occupiers of nearby dwellings, with particular regard to the outlook from the flats at 144-148 Thorpe Road.

Reasons

Whether the development would be appropriate in this location

3. The appeal site fronts onto the street between the existing residential development along this section of Thorpe Road. It comprises a storage compound bounded by substantial trees and vegetation to the front, timber board fencing along the sides and a block of six garages along the rear with a gated entrance adjacent to these. The compound was quite overgrown with nettles at my visit but was seen to contain the storage of covered materials and sundry other items.
4. Beyond the storage compound is a forecourt access space for the block of six garages with a separate pair of these beyond. There are two vehicular entrances from the Thorpe Road which run either side of the storage compound and meet at the garage forecourt area.

5. The western access forms part of the red-lined application site, which also includes the storage compound, the block of six garages and one of the two separate garages with its adjoining space. The forecourt area is not part of the application but provides access to the appeal site.
6. Beyond the garage forecourt space are steps leading up to higher ground which contains the grounds to a large Victorian terrace of dwellings, 144-148 Thorpe Road, which accommodates 9 flats. As well as the site frontage the undeveloped sides of the appeal site are flanked by a number of mature trees and the surroundings generally comprise a verdant enclave of suburban housing interspersed with long-established woodland.
7. The appeal relates to the refusal of planning permission for a partially built storage shed along one side of the storage compound and for the adjacent garage unit which has been added to create the block of six. The application site contains the storage compound but the application description does not seek approval for either its use or the fencing along its sides.
8. The appellant states that there are other commercial uses in the vicinity and the storage of mainly timber is a low level operation. However, the storage building would consolidate an activity that does not conform to the surrounding land use which is predominantly that of residential development. Whilst elsewhere there might be incidences of non-conforming storage uses within residential areas this lends little material support to this proposal which must be assessed on its own merits.
9. The storage building would be incompatible with the surrounding land uses in this area contrary to the aim of Policy DM16 of the Norwich Development Management Policies Local Plan of 2014 (DMP) to prioritise the location of employment uses to those areas defined for that purpose.

The effect of the development on protected trees

10. There is evidence that trees and other vegetation have been removed or trimmed to accommodate the storage compound. The surrounding trees are covered by a blanket Tree Preservation Order. The completed garage on a pre-existing foundation slab is within the Root Protection Area of a mature sycamore. The storage building is a light weight structure without the substantial foundations likely to harm the roots of adjacent trees.
11. The actions that have already been carried out would conflict with the aims of DMP Policy DM6 to avoid harm to natural environmental assets. However, I am not persuaded that the erection of the storage building and garage would result in any material degree of additional harm in this respect or lead to any further degree of negative impact upon the surrounding protected trees.

Character or appearance of conservation area/setting of locally listed buildings

12. The site is within the Thorpe Ridge Conservation Area, the significance of which relates to the fine Victorian and other period housing and its wooded setting within this elevated part of the city. Paragraph 31 of the National Planning Policy Framework (the Framework) requires that this decision should take account of the desirability of sustaining and enhancing the significance of this conservation area as a heritage asset. I have applied the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act

- 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
13. The Council advises that a number of the residences surrounding the appeal site are locally listed buildings. These include 144-148 and 150-152 Thorpe Road, as well as 1-5 Heathside Road. Paragraph 135 of the Framework requires I take account of the indirect effect of the proposal on the significance of these non-designated assets.
 14. The uncompleted storage building seems to vary from the submitted plans and the section of brown timber boarded fence along the eastern site boundary, visually prominent in the Thorpe Road street-scene, appears to form the back wall. However, my decision is based on the submitted plans which shows the finished building within the fenced area and which will have black stained timber boarded walls and a black stained corrugated roof.
 15. The proposed storage building would remain visible from the street and from other aspects within the conservation area. The completed garage is in keeping with the remainder of the block and, whilst screened from the main road, this does not alter its poor quality pre-fabricated appearance as viewed from other parts of the conservation area.
 16. The garage and storage shed proposed would not be of the quality of design and materials suitable for a site within a conservation area. The proposals would add to the already poor quality visual appearance of the appeal site. This would fail to preserve or enhance the character or appearance of this conservation area and have a detrimental impact on the setting of the surrounding locally-listed buildings.
 17. The proposal would result in less than substantial harm to the significance of a designated heritage asset, in this case the character or appearance of the conservation area. Paragraph 134 of the Framework requires that this harm be weighed against the public benefits of the proposal.
 18. These benefits would be limited to those to the local economy and would be mainly of a private rather than public advantage. They would not outweigh the harm found to the conservation area. In the overall balance, I must also account for the harm found to non-designated heritage assets in respect of that caused to setting of the surrounding locally listed buildings.
 19. Whilst less than substantial, the harm found to the character and appearance of the Thorpe Ridge Conservation Area must be given considerable importance and weight, with the presumption that its preservation be desirable. Due to the harm that would arise the proposal would on balance be unacceptable and fail to satisfy the requirements of DMP Policy DM9 and of the Framework in respect of conserving and enhancing the historic environment.

Living conditions of nearby occupiers

20. I am not persuaded that the proposals, which are not in conformity with the otherwise pleasant leafy appearance of the wider residential surroundings, would serve to improve the visual appearance of the site and I consider the development would detract from the quality of outlook from the flats at 144-148 Thorpe Road.

21. Consequently, this development would be of material harm to the living conditions of the occupiers of these residences and fail to comply with the objectives of DMP Policy DM2, and the principles of the Framework to always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

22. Although the visual impact of the addition of a further garage unit to the existing block is limited, the proposal as a whole, and particularly the storage building, would consolidate the harmful effects of a land use which would be out of keeping with the otherwise attractive character of this well-vegetated residential area. For the reasons set out above, having taken into account all other matters raised, I therefore conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR